

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRACY LOCKETT,
PLAINTIFF,

CASE NO. 1:20-CV-_____

VS.

HON. _____

AMERICAN AXLE & MANUFACTURING,
INC.,
DEFENDANT.

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COMPLAINT

The plaintiff Tracy Lockett, by and through her attorneys, for actions arising under the Family Medical Leave Act of 1993, in connection with her protected activity and subsequent termination by American Axle & Manufacturing, Inc., states as follows.

JURISDICTIONAL ALLEGATIONS

1. The plaintiff Tracy Lockett is an individual who resided and was employed in St. Joseph County, State of Michigan, at all times relevant to this complaint.

2. The defendant American Axle & Manufacturing, Inc., was an employer at all times relevant to this complaint in St. Joseph County, State of Michigan.
3. This case arises under the Family Medical Leave Act of 1993, 29 USC §2601 *et seq.*
4. This case arises out of the defendant's employment and discharge of the plaintiff in the Summer of 2018 in St. Joseph County, State of Michigan.
5. The Court has federal-question jurisdiction for the claims as alleged under the Family Medical Leave Act of 1993. 28 USC §1331.
6. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because the actions and omissions giving rise to the claims pled in this complaint occurred in this District.

COMMON ALLEGATIONS

7. The plaintiff Tracy Lockett began working for the defendant in 2014. She was employed as an assembly worker.
8. During the time of her employment with the defendant, and through her termination, Ms. Lockett performed her job in a satisfactory manner.
9. In 2015, Ms. Lockett suffered from worsening health conditions related to chronic-abdominal pain.

10. Ms. Lockett requested and was approved for FMLA starting in or around 2015. Ms. Lockett was continuously approved for FMLA through 2018.
11. Ms. Lockett was an eligible employee as defined by the FMLA. At all relevant times, she met the following requirements: she had worked at least one year with the defendant, she had worked at least 1,250 hours in the previous 12-month period and she worked at a location where at least 50 employees worked within a 75-mile radius.
12. The defendant was a covered employer as determined by the FMLA. At all relevant times, the defendant employed 50 or more employees.
13. Near or at the end of July of 2018, Ms. Lockett took two days off of work, and she called in reporting that she was using FMLA. After returning to work, the defendant stated to Ms. Lockett that the days off were not approved and discharged her. Said discharge occurred in August 2018.
14. Near or at the start of January of 2019, an FMLA case manager contacted Ms. Lockett and informed her that her two days off that she was terminated for were approved. The case manager also instructed Ms. Lockett to contact human resources because the approval was faxed to defendant.

15. Ms. Lockett contacted human resources as instructed. In response, defendant informed Ms. Lockett that she was given a return to work date of 1/21/2019.
16. Defendant did not provide backpay for Ms. Lockett's lost wages from July 2018 through January 2019.
17. Defendant did not provide any relief to Ms. Lockett for the value of her lost employee benefits from July 2018 through January 2019.
18. Other than the offer of reinstatement, defendant did not provide Ms. Lockett any compensation or other relief she may be due in relation to her loss of employment from July 2018 though January 2019.

COUNT 1 - FMLA INTERFERENCE BASED ON DISCHARGE

19. The plaintiff restates and re-alleges as though fully set forth herein all prior paragraphs of this complaint.
20. The defendant denied Ms. Lockett use of FMLA leave that she was approved for and provided proper notice of, when it used the two days of absence against her and discharged her.
21. As a result of the discharge, Ms. Lockett has suffered and will continue to suffer damages.
22. This claim is actionable under the Family Medical Leave Act of 1993, 28 USC § 2601 *et seq.*

WHEREFORE, plaintiff requests that this Court enter a Judgment in her favor against the defendant, in whatever amount she is shown to be entitled to including compensatory damages, liquidated damages (equal to lost wages, salary, employment benefits, and any other compensation denied, together with interest), attorney fees, court costs, pre-judgment interest, post-judgment interest, and any other relief as the Court deems warranted.

Respectfully submitted,

Dated: July 16, 2020

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ATTORNEYS FOR PLAINTIFF

REQUEST FOR TRIAL BY JURY

NOW COMES Plaintiff, by and through her counsel, and hereby requests a trial by jury.

Dated: July 16, 2020

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